

Serial No. 10/791,859

Attorney Docket No. 01-571

REMARKS

The applicant notes with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all of the certified copies of the priority documents have been received.

The applicant acknowledges and appreciates receiving an initialed copy of the form PTO-1449 that was filed on March 4, 2004.

Claims 1 – 15 are pending. The applicant respectfully requests reconsideration and allowance of this application in view of the above amendments and the following remarks.

On page 4 of the office action, dependent claims 4 – 7 were objected to, but indicated as being allowable if rewritten in independent form. New claim 12 corresponds to claim 4 re-written in independent form to include original claims 1 – 4, and it is respectfully submitted that claim 12 is allowable. In addition, new claims 13 – 15, corresponding to original claims 5 – 7, have been added and depend from allowable claim 12. In view of the above, the applicant submits that claims 12 – 15 are patentable.

The applicant has rewritten claims 4 – 7 in independent form as new claims 12 – 14 since the office action indicated that claims 4 – 7 would be allowable if so re-written. However, the applicant does not concede that other features in the claims are found in the prior art. The applicant wishes to clarify for the record, if necessary, that the claims have been amended to expedite prosecution.

Any narrowing amendment to the claims in the present Amendment is not to be construed as a surrender of any subject matter between the original claims and the present claims; rather this is merely an attempt at providing one or more definitions of what the applicant believes to be suitable patent protection. In addition, the present claims provide the intended scope of

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protection that the applicant is seeking for this application. Therefore, no estoppel should be presumed, and the applicant's claims are intended to include a scope of protection under the Doctrine of Equivalents.

For all the reasons advanced above, the applicant respectfully submits that claims 12 – 15 are allowable.

Claims 1 – 3 and 8 – 11 were rejected under 35 USC 102(e) as being anticipated by JP2001074581, Kurita et al. ("Kurita"). Insofar as the rejection may be applied to the claims as amended, the rejection is respectfully traversed for reasons including the following, which are provided by way of example.

As described in the application, the invention is directed to solving the problem of water drops in pressure sensors that use atmosphere pressure as a reference. (E.g., specification page 2, lines 13 - 17.) Claim 1 recites, in combination, for example "a casing for accommodating the sensor chip;" "the casing includes a groove for discharging a water drop adhering around the atmosphere introduction port to an outside of the casing," and "the casing further includes a notch portion for discharging the water drop that is gathered in the groove." Thereby, the water drop is gathered in the groove, and then the water drop moves in the groove so that the water drop is discharged, that is, drained through the notch portion.

The office action asserts that Kurita discloses the invention as claimed. To the contrary, Kurita fails to teach or suggest the invention, as presently claimed, when the claims are considered as a whole. Kurita fails to teach or suggest, for example, "a groove for discharging a water drop adhering around the atmosphere introduction port to an outside of the casing, and wherein the casing further includes a notch portion for discharging the water drop that is gathered in the groove." (Claim 1.) To the contrary, Kurita does not teach or suggest a notch

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portion for discharging the water drop. Kurita fails to contemplate discharging the water drop at all. In fact, Kurita provides for a "water reservoir space 8" to hold the water drop.

In the current independent claim 1, the groove has a notch portion through which the water drop gathered in the groove can be discharged, whereas in Kurita the water reservoir space fails to have such a notch.

Kurita fails to teach or suggest, for example, these elements recited in independent claim 1. It is respectfully submitted therefore that claim 1 is patentable over Kurita.

For at least these reasons, the combination of features recited in independent claim 1, when interpreted as a whole, is submitted to patentably distinguish over the prior art. In addition, Kurita clearly fails to show other recited elements as well.

With respect to the rejected dependent claims 2 – 3 and 8 – 11, applicant respectfully submits that these claims are allowable not only by virtue of their dependency from independent claim 1, but also because of additional features they recite in combination.

Applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited prior art shown any of the elements recited in the claims. However, applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples applicant has described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, applicants have provided examples of why the claims described above are distinguishable over the cited prior art.

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Claim 4 has been amended due to the change to independent claim 1.

Because claims 4 – 7 were indicated as allowable, it is respectfully submitted that claims 4 – 7 which depend from amended claim 1 are still allowable.

In view of the foregoing, the applicant respectfully submits that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,



Cynthia K. Nicholson
Reg. No. 36,880

Posz Law Group, PLC
12040 South Lakes Drive, Suite 101
Reston, VA 20191
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400